

1966 [42 U.S.C. 1771 et seq.] (except for section 17 [42 U.S.C. 1786]) that the Secretary determines is appropriate.

(2) Eligible entity

The term “eligible entity” means a school food authority, institution, or service institution that participates in a covered program.

(b) Activities

The Secretary may carry out activities to help accommodate the special dietary needs of individuals with disabilities who are participating in a covered program. The activities may include—

- (1) developing and disseminating to State agencies guidance and technical assistance materials;
- (2) conducting training of State agencies and eligible entities; and
- (3) providing grants to State agencies and eligible entities.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2003.

(June 4, 1946, ch. 281, §27, as added Pub. L. 103-448, title I, §124, Nov. 2, 1994, 108 Stat. 4732; amended Pub. L. 105-220, title IV, §414(d), Aug. 7, 1998, 112 Stat. 1242; Pub. L. 105-336, title I, §113, Oct. 31, 1998, 112 Stat. 3157.)

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsec. (a)(1)(C), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

AMENDMENTS

1998—Pub. L. 105-336 amended section generally, substituting present provisions for former provisions relating to guidance and grants for accommodating special dietary needs of children with disabilities.

Subsec. (a)(1)(B). Pub. L. 105-220 substituted “section 705 of title 29” for “section 706(8) of title 29”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-336 effective Oct. 1, 1998, see section 401 of Pub. L. 105-336, set out as a note under section 1755 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1994, see section 401 of Pub. L. 103-448, set out as an Effective Date of 1994 Amendment note under section 1755 of this title.

§ 1769i. Program evaluation

(a) Performance assessments

(1) In general

Subject to the availability of funds made available under paragraph (3), the Secretary, acting through the Administrator of the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(2) Components

In conducting an assessment, the Secretary may assess—

(A) the cost of producing meals and meal supplements under the programs described in paragraph (1); and

(B) the nutrient profile of meals, and status of menu planning practices, under the programs.

(3) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 2004 and each subsequent fiscal year.

(b) Certification improvements

(1) In general

Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this chapter.

(2) Pilot projects

In carrying out this subsection, the Secretary may conduct pilot projects to improve the certification process used for the school lunch program.

(3) Components

In carrying out this subsection, the Secretary shall examine the use of—

- (A) other income reporting systems;
- (B) an integrated benefit eligibility determination process managed by a single agency;
- (C) income or program participation data gathered by State or local agencies; and
- (D) other options determined by the Secretary.

(4) Waivers

(A) In general

Subject to subparagraph (B), the Secretary may waive such provisions of this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

(B) Provisions

The protections of section 1758(b)(6) of this title shall apply to any study or pilot project carried out under this subsection.

(5) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection such sums as are necessary.

(June 4, 1946, ch. 281, §28, as added Pub. L. 108-265, title I, §129, June 30, 2004, 118 Stat. 767.)

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsecs. (a)(1) and (b)(4)(A), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

CHAPTER 13A—CHILD NUTRITION

Sec.
1771.
1772.

Congressional declaration of purpose.
Special program to encourage the consumption of fluid milk by children; authorization of appropriations; eligibility for special milk program; minimum rate of reimbursement; ineligibility of commodity only schools.

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| <p>Sec.
1773. School breakfast program.</p> <p style="padding-left: 20px;">(a) Establishment; authorization of appropriations.</p> <p style="padding-left: 20px;">(b) Breakfast assistance payments to State educational agencies; calculation; national average payments for breakfasts, free breakfasts and reduced price breakfasts; maximum price for reduced cost breakfasts; minimum daily nutrition requirements criteria; additional payments for severe need schools; maximum severe need payments.</p> <p style="padding-left: 20px;">(c) Disbursement of apportioned funds by State; preference for schools in poor economic areas, for students traveling long distances daily, and for schools for improvement of nutrition and dietary practices of children of working mothers and from low-income families.</p> <p style="padding-left: 20px;">(d) Severe need assistance.</p> <p style="padding-left: 20px;">(e) Nutritional requirements; service free or at reduced price; compliance assistance.</p> <p>1774. Disbursement directly to schools or institutions.</p> <p>1775. Certification to Secretary of the Treasury of amounts to be paid to States.</p> <p>1776. State administrative expenses.</p> <p style="padding-left: 20px;">(a) Amount and allocation of funds.</p> <p style="padding-left: 20px;">(b) Funds, usage: compensation, benefits, and travel expenses of personnel; support services; office equipment; staff development.</p> <p style="padding-left: 20px;">(c) Fund adjustment; State administered programs.</p> <p style="padding-left: 20px;">(d) Unused funds; availability for obligation and expenditure, and reallocation to other States.</p> <p style="padding-left: 20px;">(e) Plans for use of administrative expense funds.</p> <p style="padding-left: 20px;">(f) State funding requirement.</p> <p style="padding-left: 20px;">(g) State training.</p> <p style="padding-left: 20px;">(h) Funding for training and administrative reviews.</p> <p style="padding-left: 20px;">(i) Technology infrastructure improvement.</p> <p style="padding-left: 20px;">(j) Authorization of appropriations.</p> <p>1776a, 1776b. Omitted.</p> <p>1777. Use in school breakfast program of food designated as being in abundance or food donated by the Secretary of Agriculture.</p> <p>1778. Nonprofit programs.</p> <p>1779. Rules and regulations.</p> <p style="padding-left: 20px;">(a) Authority of Secretary.</p> <p style="padding-left: 20px;">(b) Sale of competitive foods.</p> <p style="padding-left: 20px;">(c) Transfer of funds; reserve for special projects.</p> <p>1780. Prohibition against interference with school personnel, curriculum, or instruction; prohibition against inclusion of assistance in determining income or resources for purposes of taxation, welfare, or public assistance programs.</p> <p>1781. Preschool programs.</p> <p>1782. Centralization in Department of Agriculture of administration of food service programs for children.</p> <p>1783. Appropriations for administrative expense.</p> <p>1784. Definitions.</p> <p>1785. Accounts and records; availability for inspection; authority to settle, adjust, or waive claims.</p> <p>1786. Special supplemental nutrition program for women, infants, and children.</p> <p style="padding-left: 20px;">(a) Congressional findings and declaration of purpose.</p> <p style="padding-left: 20px;">(b) Definitions.</p> | <p>Sec.</p> <p style="padding-left: 20px;">(c) Grants-in-aid; cash grants; ratable reduction of amount an agency may distribute; affirmative action; regulations relating to dual receipt of benefits under commodity supplemental food program.</p> <p style="padding-left: 20px;">(d) Eligible participants.</p> <p style="padding-left: 20px;">(e) Nutrition education and drug abuse education.</p> <p style="padding-left: 20px;">(f) Plan of operation and administration by State agency.</p> <p style="padding-left: 20px;">(g) Authorization of appropriations.</p> <p style="padding-left: 20px;">(h) Funds for nutrition services and administration.</p> <p style="padding-left: 20px;">(i) Division of funds formula; reallocation of unspent funds; use of State allocation to buy supplemental foods; use of amounts available for succeeding fiscal year.</p> <p style="padding-left: 20px;">(j) Initiative to provide program services at community and migrant health centers.</p> <p style="padding-left: 20px;">(k) National Advisory Council on Maternal, Infant, and Fetal Nutrition; establishment; membership; term; officers; meetings; quorum; technical assistance by Secretary.</p> <p style="padding-left: 20px;">(l) Donation of foods by Secretary.</p> <p style="padding-left: 20px;">(m) Women, infants, and children farmers' market nutrition program; establishment, grants, etc.</p> <p style="padding-left: 20px;">(n) Disqualification of vendors who are disqualified under food stamp program.</p> <p style="padding-left: 20px;">(o) Disqualification of vendors convicted of trafficking or illegal sales.</p> <p style="padding-left: 20px;">(p) Criminal forfeiture.</p> <p style="padding-left: 20px;">(q) Provision of technical assistance to Secretary of Defense.</p> <p>1787. Repealed.</p> <p>1788. Team nutrition network.</p> <p style="padding-left: 20px;">(a) Purposes.</p> <p style="padding-left: 20px;">(b) Definition of team nutrition network.</p> <p style="padding-left: 20px;">(c) Grants.</p> <p style="padding-left: 20px;">(d) Allocation.</p> <p style="padding-left: 20px;">(e) Requirements for State participation.</p> <p style="padding-left: 20px;">(f) State coordinator.</p> <p style="padding-left: 20px;">(g) Authorized activities.</p> <p style="padding-left: 20px;">(h) Local nutrition and physical activity grants.</p> <p style="padding-left: 20px;">(i) Nutrition education support.</p> <p style="padding-left: 20px;">(j) Limitation.</p> <p style="padding-left: 20px;">(k) Team nutrition network independent evaluation.</p> <p style="padding-left: 20px;">(l) Authorization of appropriations.</p> <p>1789. Department of Defense overseas dependents' schools.</p> <p style="padding-left: 20px;">(a) Purpose of program; availability of payments and commodities.</p> <p style="padding-left: 20px;">(b) Administration of program; eligibility determinations and regulations.</p> <p style="padding-left: 20px;">(c) Nutritional standards for meals; non-compliance with standards.</p> <p style="padding-left: 20px;">(d) Authorization of appropriations.</p> <p style="padding-left: 20px;">(e) Technical assistance for administration of program.</p> <p>1790. Breastfeeding promotion program.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Conduct of program.</p> <p style="padding-left: 20px;">(c) Cooperative agreements.</p> <p style="padding-left: 20px;">(d) Gifts, bequests, and devises.</p> <p>1791. Bill Emerson Good Samaritan Food Donation Act.</p> <p style="padding-left: 20px;">(a) Short title.</p> <p style="padding-left: 20px;">(b) Definitions.</p> <p style="padding-left: 20px;">(c) Liability for damages from donated food and grocery products.</p> <p style="padding-left: 20px;">(d) Collection or gleaning of donations.</p> |
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Sec.

- (e) Partial compliance.
- (f) Construction.

§ 1771. Congressional declaration of purpose

In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

(Pub. L. 89-642, § 2, Oct. 11, 1966, 80 Stat. 885.)

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-512, § 1, Oct. 24, 1992, 106 Stat. 3363, provided that: "This Act [amending sections 1769, 1776, and 1786 of this title and enacting provisions set out as notes under this section and sections 1769 and 1786 of this title] may be cited as the 'Children's Nutrition Assistance Act of 1992'."

Pub. L. 102-512, title I, § 101, Oct. 24, 1992, 106 Stat. 3363, provided that: "This title [amending sections 1769 and 1776 of this title and enacting provisions set out as a note under section 1769 of this title] may be cited as the 'Homeless Children's Assistance Act of 1992'."

Pub. L. 102-512, title II, § 201, Oct. 24, 1992, 106 Stat. 3364, provided that: "This title [amending section 1786 of this title and enacting provisions set out as notes under section 1786 of this title] may be cited as the 'WIC Infant Formula Procurement Act of 1992'."

Pub. L. 102-314, § 1, July 2, 1992, 106 Stat. 280, provided that: "This Act [amending section 1786 of this title and enacting provisions set out as notes under section 1786 of this title] may be cited as the 'WIC Farmers' Market Nutrition Act of 1992'."

SHORT TITLE

Section 1 of Pub. L. 89-642 provided: "That this Act [enacting this chapter] may be cited as the 'Child Nutrition Act of 1966'."

§ 1772. Special program to encourage the consumption of fluid milk by children; authorization of appropriations; eligibility for special milk program; minimum rate of reimbursement; ineligibility of commodity only schools

(a)(1) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (A) nonprofit schools of high school grade and under, except as provided in paragraph (2), which do not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], and (B) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the

care and training of children, which do not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act.

(2) The limitation imposed under paragraph (1)(A) for participation of nonprofit schools in the special milk program shall not apply to split-session kindergarten programs conducted in schools in which children do not have access to the meal service program operating in schools the children attend as authorized under this chapter or the Richard B. Russell National School Lunch Act.

(3) For the purposes of this section "United States" means the fifty States, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the District of Columbia.

(4) The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as the Secretary administered the special milk program provided for by this chapter during the fiscal year ending June 30, 1969.

(5) Any school or nonprofit child care institution which does not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act shall receive the special milk program upon its request.

(6) Children who qualify for free lunches under guidelines set forth by the Secretary shall, at the option of the school involved (or of the local educational agency involved in the case of a public school) be eligible for free milk upon their request.

(7) For the fiscal year ending June 30, 1975, and for subsequent school years, the minimum rate of reimbursement for a half-pint of milk served in schools and other eligible institutions shall not be less than 5 cents per half-pint served to eligible children, and such minimum rate of reimbursement shall be adjusted on an annual basis each school year to reflect changes in the Producer Price Index for Fresh Processed Milk published by the Bureau of Labor Statistics of the Department of Labor.

(8) Such adjustment shall be computed to the nearest one-fourth cent.

(9) Notwithstanding any other provision of this section, in no event shall the minimum rate of reimbursement exceed the cost to the school or institution of milk served to children.

(10) The State educational agency shall disburse funds paid to the State during any fiscal year for purposes of carrying out the program under this section in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State. The agreements described in the preceding sentence shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary.

(b) Commodity only schools shall not be eligible to participate in the special milk program under this section. For the purposes of the pre-